UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,964	02/28/2002	Thomas Baudel	ILOC-P01-001	4759

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EXAMINER
AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
2171	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/086,964	BAUDEL, THOMAS
	Examiner	**Art Unit**
	Wayne Amsbury	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 November 2003</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>11-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/28/02, 11/10/03</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

CLAIMS 1-20 ARE PENDING

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 11-19 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter. It is directed to a computer program *per se*,

which is abstract and conceptual and does not fall within the statutory categories of

technological art.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 1, 3-4, 6-11, 13 and 15-20 are rejected under 35 U.S.C. 102(b) as

being anticipated by Sklar et al (Sklar), US 5,790,121, 4 August 1998.

Sklar is directed to a clustering user interface for database searches and the

filtering of search results [COL 1 lines 5-8].

As to **claim 1**, an embodiment for Sklar is a database accessed with SQL in which the

result of a query may be a table [COL 1 lines 21-45], from which Sklar is directed to

representing records arranged in a data table having columns and rows.

Visualization parameters for Sklar include the dimensional parameters of a two-dimensional plane [COL 2 lines 26-30; the Figures, and elsewhere], or they may be based on field values of a record [COL 3 lines 15-38], which are values of a column parameter. Both the dimensions and the column variables correspond to visualization parameters [as noted in **claim 4**].

Clustering is a basic theme of Sklar, as noted by the title, SUMMARY, and throughout the disclosure. It is clearly dependent on the positional parameters of a map in examples of Sklar.

Sorting is inherent in the examples and embodiments of Sklar, where data points are sorted by dimension [Figures], state [FIG 1-3], and elsewhere and for purposes of clustering [SUMMARY]. There is clearly a predetermined order to geometric sorting in each dimension and this is inherently determined by a parameter, position.

A geometric attribute primitive may include position, size or shape as noted in **claim 6**, and Sklar is explicit about the option to choose irregular or regular shapes to determine user interface elements called *icons*, [COL 3 lines 7-14; FIG 8]. This clearly implies the use of a shape selection parameter.

Sklar allows decoration parameter values such as identified borders or implied borders to be chosen by the user, which implies the use of a decoration parameter that determines a graphic attribute primitive [COL 3 lines 7-14]. Sklar implicitly notes that the defining of graphic attribute primitives by the use of decoration parameters was prior art in the discussion of the use of "small black squares" on a map [COL 6 lines 5-15], corresponding to **claim 8**.

The figures of Sklar depict the graphical representation of the sorted records or clusters having the associated geometric and graphic attribute primitives.

As to **claim 3**, Sklar provides for zooming in on a single record and/or cluster of records [SUMMARY].

As to **claim 7**, the Figures of Sklar amply demonstrate the use of polygons.

As to **claim 9**, the selection and zooming of Sklar corresponds to the selection of sub-visualization parameters with selected clusters.

As to **claim 10**, clearly Sklar corresponds to the visualization of data tables.

The elements of **claims 11, 13 and 15-20** are rejected in the analysis above and these claims are rejected on that basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sklar et al (Sklar), US 5,790,121, 4 August 1998.

Sklar does not address the amount of time required to graphically render a data table.

Official Notice is taken that when data points are sorted in an order that allows them to be displayed efficiently, such as a linear order related to their rendering on a VRT, they can be rendered in linear time. The underlying reason is that all of the pixels are refreshed in linear time, including those used for the data points.

It would have been obvious to one of ordinary skill in the art at the time of the invention to access the data points for a graphical user interface in linear order because it is more efficient to display them as they are encountered in the display process.

4. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sklar et al (Sklar), US 5,790,121, 4 August 1998 in light of Sorge et al (Sorge), US 6,613,098, 2 September 2003.

Sklar does not teach the use of a style sheet to arrange the visualization parameters for the elements of his display. However, notes that embodiments of his invention can be applied to Web pages [COL 3 line 61].

Sorge fails to explicitly address clustering, although data is grouped [COL 4 lines 47-49].

Official Notice is taken that it was well known at the time of the invention to develop style sheets for the purpose of arranging the visualization parameters of web pages. Sorge provides evidence of this, where cascading style sheets are applied to managing the visualization parameters for records in a spreadsheet rendered in HTML, as is web pages [SUMMARY].

Spreadsheets are data tables and a form of database, and the visualization

elements are discussed in detail in Sorge [COL 4 lines 1-11 and throughout].

It would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate the style sheet management of visualization parameters as

taught by Sorge into the system of Sklar because this allows the visualization of a data

table to be exported on the web [Sorge COL 3 lines 8-18].

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wayne Amsbury whose telephone number is 703-305-

3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

WAYNE AMSBURY
PRIMARY PATENT EXAMINER

WPA